

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred Senate Bill No. 17 entitled “An act relating to sheriff reforms”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * Findings * * *

8 **Sec. 1. FINDINGS**

9 The General Assembly finds that:

10 (1) Sheriffs provide essential public safety services to the State,
11 counties, and communities of Vermont.

12 (2) Incidents of criminal and unprofessional behavior by elected sheriffs
13 and sheriff’s deputies, including excessive use of force, embezzlement, assault,
14 and questionable financial practices, have shaken the public’s trust in the office
15 of sheriff.

16 (3) The office of sheriff requires reform to provide more consistent
17 structure, financial practices, accountability, and increased transparency.

18 (4) While criminal charges or misconduct may lead to sanctions on
19 Vermont sheriffs, including decertification by the Vermont Criminal Justice
20 Council, removal from office can only be achieved through expiration of term,
21 resignation, or impeachment by the General Assembly.

1 judges within 15 days after completing the outgoing sheriff's duties after the
2 sheriff leaves office.

3 Sec. 3. 24 V.S.A. § 290b is amended to read:

4 § 290b. AUDITS

5 * * *

6 (b) The Auditor of Accounts shall adopt and sheriffs shall comply with a
7 uniform system of accounts, controls, and procedures for the sheriff's
8 department, which accurately reflects the receipt and disbursement of all funds
9 by the department, the sheriff, and all employees of the department. The
10 uniform system shall include:

11 * * *

12 (8) procedures and controls ~~which~~ that identify revenues received from
13 public entities through appropriations or grants from the federal, State, or local
14 governments from revenues received through contracts with private entities;
15 ~~and~~

16 (9) procedures to notify the Auditor of Accounts and the Department of
17 State's Attorneys and Sheriffs of the establishment and activities of any
18 nonpublic organization of which the sheriff or any employee of the sheriff is a
19 director or participant and that has a mission or purpose of supplementing the
20 efforts of the sheriff's department; and

1 (4) the type, frequency, and information to be contained in reports
2 submitted by the sheriff's department to the town, city, village, or county;

3 * * *

4 (c) A contract under this section may contain provisions for compensation
5 to the sheriff for administration of the contract and related services. No
6 compensation may be paid to a sheriff for administration of the contract or
7 related services unless the contract sets forth in writing the rate or method of
8 calculation for the compensation and a schedule of payment; provided that a
9 sheriff's compensation for administration shall not exceed five percent of the
10 contract. A sheriff's rate of compensation shall be at a rate equivalent to other
11 employees of the department who provide similar services under the contract.
12 Compensation to the sheriff shall be made in accordance with the schedule set
13 forth in the contract but in no event may a sheriff be compensated for
14 administration of the contract and related services unless the compensation is
15 made in the same calendar year in which the revenue was received by the
16 department under the contract. Funds derived from charges for the contract
17 administration of a contract shall only be used for sheriff, sheriff deputy, or
18 other departmental employee compensation, bonuses, salary supplements,
19 retirement contributions, or employment benefits in accordance with the model
20 policy created and maintained by the Department of State's Attorneys and
21 Sheriffs.

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(f) An agreement or contract for sheriff’s departments to provide law enforcement or security services to county and State courthouses shall be subject to a single, statewide contracted rate of pay for such services over all county and State courthouses.

Sec. 5a. SHERIFF’S DEPARTMENTS COMPENSATION AND BENEFITS

MODEL POLICY

(a) On or before January 1, 2024, the Department of State’s Attorneys and Sheriffs, after receiving input from the sheriffs, the Vermont Criminal Justice Council, the Auditor of Accounts, and the Department of Human Resources, and after receiving approval from the Vermont Criminal Justice Council, shall issue a Sheriff’s Departments Compensation and Benefits Model Policy.

(b) The Sheriff’s Departments Compensation and Benefits Model Policy shall address the structure and use of funds for compensation, bonuses, salary supplements, retirement contributions, and employment benefits for sheriffs, sheriff’s deputies, and other departmental employees.

Sec. 5b. 24 V.S.A. § 367 is amended to read:

§ 367. DEPARTMENT OF STATE’S ATTORNEYS AND SHERIFFS

* * *

(e)(1) The Executive Director of the Department of State’s Attorneys and Sheriffs, in consultation with the Sheriff’s Executive Committee, shall appoint

1 a Deputy Director of Sheriffs who shall serve at the pleasure of the Executive
2 Director.

3 (2) The Deputy Director of Sheriffs shall administer sheriffs'
4 departments' benefits and payroll; provide centralized support services for the
5 sheriffs with respect to budgetary planning, training, and office management;
6 and perform such other duties as directed by the Executive Director.

7 (3) The Deputy Director of Sheriffs shall create and maintain policies
8 addressing the structure and use of funds for compensation, bonuses, salary
9 supplements, retirement contributions, and employment benefits for sheriffs,
10 sheriff's deputies, and other departmental employees. Sheriffs, sheriff's
11 deputies, and other departmental employees shall comply with these policies.
12 Willful failure to comply with these policies shall constitute gross professional
13 misconduct and be Category B conduct pursuant to 20 V.S.A. § 2401(2).

14 Sec. 5c. DEPARTMENT OF STATE'S ATTORNEYS AND SHERIFFS;

15 POSITION

16 (a) The following position is created in the Department of State's Attorneys
17 and Sheriffs: one full-time, exempt Deputy Director of Sheriffs.

18 (b) The Deputy Director of Sheriffs shall be funded by a charge assessed
19 on each Sheriff's Department.

1 Sec. 5d. 24 V.S.A. § 290(b) is amended to read:

2 (b) Full-time State deputy sheriffs whose primary responsibility is
3 transportation of prisoners ~~and~~, persons with a mental condition or psychiatric
4 disability, or juveniles being transported to court or to a court-ordered facility
5 shall be paid by the State of Vermont. The positions and their funding shall be
6 assigned to the Department of State’s Attorneys and Sheriffs. The Executive
7 Director shall have the authority to determine job duties for the position,
8 assignment of positions to county, regular and temporary work locations,
9 assistance to other State agencies and departments, timesheet systems, daily
10 work logs, and to have final approval of personnel matters, including, but not
11 limited to, approval for hiring, paygrade assignment, hiring rate, discipline, and
12 termination. The sheriffs shall have an Executive Committee of not more than
13 five current sheriffs, elected for a two-year term by a vote of the sheriffs held
14 not later than January 15, for a term starting February 1. The Executive
15 Committee shall have a Chair, Vice-Chair, Secretary-Treasurer, and two
16 members at large. The Executive Committee shall meet at least quarterly to
17 provide input to the Department of State’s Attorneys and sheriffs regarding
18 budget, legislation, personnel and policies, and the assignment of positions,
19 when vacancies arise, for efficient use of resources.

20 * * * Sheriff Duties * * *

21 Sec. 6. 24 V.S.A. § 293 is amended to read:

1 § 293. DUTIES

2 (a) A sheriff so commissioned and sworn shall serve and execute lawful
3 writs, warrants, and processes directed to ~~him or her~~ the sheriff, according to
4 the precept thereof, and do all other things pertaining to the office of sheriff.

5 (b) A sheriff shall maintain a record of the sheriff's work schedule,
6 including work days, leave taken, and any remote work performed outside the
7 sheriff's district for a period of more than three days.

8 (c) Each sheriff's department shall comply with the provisions of the
9 standard operating procedures manuals and policy manuals created and
10 maintained by the Department of State's Attorneys and Sheriffs.

11 (d) A sheriff's department shall not seek a fee from an individual who has a
12 relief from abuse order pursuant to 15 V.S.A. § 1103 or any representative of
13 that individual for providing assistance in the retrieval of the individual's
14 personal belongings from the individual's residence.

15 Sec. 7. 24 V.S.A. § 293(e) is added to read:

16 (e) A sheriff shall provide a minimum of one deputy sheriff, certified as a
17 law enforcement officer in accordance with 20 V.S.A. § 2358, for law
18 enforcement and security services for each county and State courthouse within
19 the sheriff's county of jurisdiction in accordance with section 291a of this title.

20 **Sec. 7a. SHERIFF'S DEPUTY PROVISION OF COURTHOUSE**

21 **SECURITY; REPORT**

1 On or before December 1, 2023, the Department of State's Attorneys and
2 Sheriffs, in consultation with the Judiciary, shall report to the House
3 Committee on Government Operations and Military Affairs and the Senate
4 Committee on Government Operations on the required number of sheriff's
5 deputies that need to be made available to provide law enforcement and
6 security services to county and State courthouses to facilitate regular
7 courthouse operations. The Department shall also provide recommendations to
8 adjust the number of sheriff's deputies, if necessary, to accomplish facilitating
9 regular courthouse operations and develop a budget request for any necessary
10 additional sheriff's deputies.

11 Sec. 8. 24 V.S.A. § 299 is amended to read:

12 § 299. DUTIES AS PEACE OFFICER

13 A sheriff shall preserve the peace, ~~and suppress, with force and strong hand,~~
14 ~~if necessary, unlawful disorder~~ using force only as permitted pursuant to 20
15 V.S.A. chapter 151. He or she A sheriff may apprehend, without warrant,
16 ~~persons~~ individuals assembled in disturbance of the peace; and bring them
17 before a the Criminal Division of the Superior Court, which shall proceed with
18 such ~~person~~ individuals as with ~~persons~~ individuals brought before it by
19 process issued by ~~such~~ the court.

20 * * * Repeal of Penalty for Refusal to Assist a Sheriff * * *

21 Sec. 9. REPEAL OF PENALTY FOR REFUSAL TO ASSIST A SHERIFF

1 24 V.S.A. § 301 (penalty for refusal to assist) is repealed.

2 *** * * Sheriff's Departments Reform Report * * ***

3 **Sec. 10. SHERIFF'S DEPARTMENTS REFORM; REPORT**

4 On or before November 15, 2023, the Department of State's Attorneys and
5 Sheriffs, in consultation with the Vermont Criminal Justice Council, the
6 Auditor of Accounts, the Vermont Association of County Judges, the Chief
7 Superior Court Judge, and the Vermont Sheriffs Association, shall report to the
8 House Committee on Government Operations and Military Affairs and the
9 Senate Committee on Government Operations on the following:

10 (1) recommended policies and best practices to be included in standard
11 operating procedures, manuals and policy manuals;

12 (2) increasing efficiency and equity in the delivery of public safety services
13 by sheriff's departments;

14 (3) recommendations for the compensation structure and levels of sheriffs,
15 deputies, and departmental staff, including salaries, overtime, retirement, and
16 benefits;

17 (4) the duties of sheriffs, including law enforcement and administration of
18 sheriff's departments;

19 (5) recommended membership and duties of an advisory commission for
20 sheriffs comparable to, or combined with, the Vermont State Police Advisory

1 Commission, as related to both conduct and administration of sheriff's
2 departments:

3 (6) the creation of a sustainable funding model for sheriff's departments,
4 including the consolidation or reorganization of sheriff's departments;

5 (7) recommendations for the Department of State's Attorneys and Sheriffs
6 to better provide oversight and support for State's Attorneys and sheriffs; and

7 (8) recommendations for the scope and timing of public sector management
8 training that sheriffs should receive upon election and on a continuing basis to
9 ensure departmental operations and management of public funds are consistent
10 with generally accepted standards.

11 * * * Effective Dates * * *

12 Sec. 11. EFFECTIVE DATES

13 This act shall take effect on passage, except that Sec. 5 (amending 24
14 V.S.A. § 291a) shall take effect on January 1, 2024, and Sec. 7 (adding 24
15 V.S.A. § 293(e)) shall take effect on July 1, 2024.